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and Olive RHF Housing Partners, L.P.
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 HILL RHF HOUSING PARTNERS, L.P., a
California limited partnership; OLIVE RHF
12 HOUSING PARTNERS, L.P., a California limited
partnership,
13

14 Petitioners/Plaintiffs,

15 vs.

16 CITY OF LOS ANGELES; DOWNTOWN
CENTER BUSINESS IMPROVEMENT
DISTRICT, a special assessment district in the
17 City of Los Angeles; DOWNTOWN CENTER
BUSINESS IMPROVEMENT DISTRICT
18 MANAGEMENT CORPORATION, a California
nonprofit corporation; and DOES 1 through 10,
19 inclusive,

20 Respondents/Defendants.
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CASE NO. BS170127

[Assigned to Hon. Amy D. Hogue, Dept. 86;
Related to Case No. BS170352]

**OBJECTIONS TO DCBID'S REQUEST FOR
JUDICIAL NOTICE**

Trial Date: September 19, 2018
Time: 9:30 a.m.
Dept: Dept. 86

Complaint Filed: July 3, 2017

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23 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

24 Petitioners/Plaintiffs Hill RHF Housing Partners, L.P. and Olive RHF Housing Partners,
25 L.P. hereby submit their Objections to Respondent Downtown Center Business Improvement
26 District's Request for Judicial Notice as set forth below.
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OBJECTIONS TO DCBID'S REQUEST FOR JUDICIAL NOTICE

1 **OBJECTIONS TO DCBID’S REQUEST FOR JUDICIAL NOTICE**

2 The California Superior Court’s decision in *Okulick, et al. v. City of Los Angeles,*
3 *et al., LASC Case No. BS166558 (“Exhibit 1”).*

4 **Objections:** Trial Court Decisions Not Citable Authority (*Bolanos v. Superior Court*, 169
5 Cal.App.4th 744, 761 (2008) [Trial court decisions do not set precedent, and reliance on them, in
6 lieu of actual precedent, would constitute error against the principle of *stare decisis*]);
7 Inadmissible Extra-Record Evidence (*Western Sates Petroleum Assn. v. Superior Court*, 9
8 Cal.4th 571 (1995)); Unpublished Opinion (California Rule of Court 8.115(a)); Irrelevant
9 (Evidence Code §§ 210 and 350).

10 Further, *Gilbert v. Master Washer & Stamping Co., Inc.*, 87 Cal.App.4th 212 (2001),
11 cited in support of DCBID’ Request for Judicial Notice, dealt with an unpublished opinion of the
12 court of appeal, and not a trial court decision, and therefore, does not support DCBID’s Request
13 for Judicial Notice of a trial court decision. Similarly, *Sosinsky v. Grant*, 6 Cal.App.4th 1548
14 (1992), also cited by DCBID in support of its request, does not support the request and is
15 irrelevant. There, the issue was whether a court may properly take judicial notice of the truth of
16 factual findings made by a judge who sat as a trier of fact in a previous case. The *Sosinsky* court
17 held that the court could **not** take judicial notice of the truth of those factual findings.
18 Accordingly, DCBID’ Request for Judicial Notice must be denied.

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21 DATED: August 28, 2018

REUBEN RAUCHER & BLUM

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23 By: 
24 Stephen L. Raucher
25 Attorneys for Petitioners/Plaintiffs
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PROOF OF SERVICE BY E-MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is **12400 Wilshire Boulevard, Suite 800, Los Angeles, California 90025.**

On August 28, 2018, I served the foregoing document described as:

OBJECTIONS TO DCBID’S REQUEST FOR JUDICIAL NOTICE

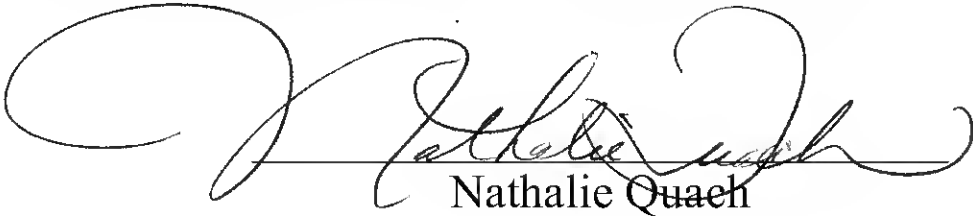
on all interested parties in this action by *emailing* a true copy thereof to counsel for all interested parties pursuant to the Consent to Electronic Service And Notice of Electronic Notification Address in accordance with California Rules of Court 2.251 as follows:

Daniel M. Whitley, Esq. Deputy City Attorney City Hall East 200 N. Main Street, Room 920 Los Angeles, CA 90012 Telephone: (213) 978-7786 Facsimile: (213) 978-7811 Email: daniel.whitley@lacity.org <i>Attorneys for City of Los Angeles</i>	Michael G. Colantuono, Esq Holly O. Whatley, Esq. Pamela K. Graham, Esq. Colantuono, Highsmith & Whatley, PC 790 East Colorado Boulevard, Suite 850 Pasadena, CA 91101 Telephone: (213) 542-5700 Facsimile: (213) 542-5710 Email: mcolantuono@chwlaw.us Email: hwhatley@chwlaw.us Email: pgraham@chwlaw.us <i>Attorneys for Downtown Center Business Improvement District Management Corporation</i>
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I am familiar with the office practice of Reuben Raucher & Blum for collecting and processing documents for delivery by E-mail. Under that practice, documents and email by Reuben Raucher & Blum personnel responsible for emailing are transmitted on that same day in the ordinary course of business. I emailed the above referenced documents, by agreement of the parties, to the address listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 28, 2018, at Los Angeles, California.


Nathalie Quaeh